

# Nondiscrimination Policy

This policy is under revision. Go [here](#) to learn more about proposed changes, and to provide comments.

## Brief

Title:	Nondiscrimination Policy
Publication date:	10/30/2012
Effective date:	10/30/2012

## BRIEF

### Policy Summary

Berkeley Lab is committed to nondiscrimination in employment. The Laboratory does not engage in discrimination against or harassment of any person employed by or seeking employment with the Laboratory on the basis of race, color, national origin, religion, sex, gender, gender expression, gender identity, pregnancy, physical or mental disability, medical condition (cancer-related or genetic characteristics), genetic information (including family medical history), ancestry, marital status, age, sexual orientation, citizenship, or service in the uniformed services (as defined by the Uniformed Services Employment and Re-employment Rights Act of 1994). This policy is intended to be consistent with the provisions of applicable state and federal laws and Laboratory policies. This applies to all personnel actions, including hiring, transfer, training, promotion, termination, and other terms and conditions of employment.

### Who Should Read This Policy

- All [employee classifications](#): Career, Term, Faculty, Postdoctoral Fellow, Limited, Visiting Researcher, Rehired Retirees, Graduate Student Research Assistant (GSRA), and Student Assistant
- Both represented and nonrepresented employees
- All affiliates, visitors, and applicants for employment

### To Read the Full Policy, Go To:

The POLICY tab on this wiki page

### Contact Information

For more information, contact the [Diversity and Inclusion Manager](#), Title VII and Title IX Officer or your division's Human Resources (HR) [Center](#).

Do you have feedback regarding this policy? Contact the HR Policies Analyst, HR Department, [hropolicies@lbl.gov](mailto:hropolicies@lbl.gov)

## Policy

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## POLICY

## A. Purpose

### Web Sites of Interest

Equal Employment Opportunity (EEO) Office  
Workforce Diversity Office (WEDO) Office  
Affirmative Action Plan  
Affirmative Action Program

Lawrence Berkeley National Laboratory (Berkeley Lab) is committed to nondiscrimination in employment. The Laboratory does not engage in discrimination against or harassment of any person employed by or seeking employment with the Laboratory on the basis of race, color, national origin, religion, sex, gender, gender expression, gender identity, pregnancy, physical or mental disability, medical condition (cancer-related or genetic characteristics), genetic information (including family medical history), ancestry, marital status, age, sexual orientation, citizenship, or service in the uniformed services (as defined by the Uniformed Services Employment and Re-employment Rights Act of 1994). This policy is intended to be consistent with the provisions of applicable state and federal laws and Laboratory policies. This applies to all personnel actions, including hiring, transfer, training, promotion, termination, and other terms and conditions of employment.

## B. Persons Affected

This policy applies to:

- All **employee classifications**: Career, Term, Faculty, Postdoctoral Fellow, Limited, Visiting Researcher, Rehired Retirees, Graduate Student Research Assistant (GSRA), and Student Assistant
- Both represented and nonrepresented employees
- All affiliates, visitors, and applicants for employment

## C. Exceptions

### Other Policy of Interest

Harassment, Including Sexual Harassment

Requests for exceptions that exceed what is allowed under current policy or that are not expressly addressed by current policy are considered exceptions to policy. A request for an exception to policy requires, at minimum, Chief Human Resources and Diversity Officer (CHRO) approval.

## D. Policy Statement

### Frequently Asked Question

Q1: How is military service defined under USERRA?

A1: For purposes of this policy, the Laboratory uses the definition of "service in the uniformed services" found in the Uniformed Services Employment and Re-employment Rights Act of 1994 (USERRA), which currently states that this term "means the performance of duties on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, and inactive duty training, full-time National Guard duty, a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to do any such duty, and the period for which a person is absent from employment for the purpose of performing funeral honors duty." USERRA currently defines "uniformed services" as "the Armed Forces, the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty, the commissioned corps of the Public Health Service, and any other category of persons designated by the President in time of war or national emergency."

1. **General.** The Laboratory does not engage in discrimination against or harassment of any person employed by or seeking employment with the Laboratory on the basis of race, color, national origin, religion, sex, gender, gender expression, gender identity, pregnancy, physical or mental disability, medical condition (cancer-related or genetic characteristics), genetic information (including family medical history), ancestry, marital status, age, sexual orientation, citizenship, or service in the uniformed services. This policy is intended to be consistent with the provisions of applicable state and federal laws and Laboratory policies.
2. **Retaliation.** Laboratory policy also prohibits retaliation against any employee or person seeking employment for bringing a complaint

of discrimination or harassment pursuant to this policy. This policy also prohibits retaliation against persons who assist someone with a complaint of discrimination or harassment, or who participate in any manner in an investigation or resolution of the complaint of discrimination or harassment. Retaliation includes threats, intimidation, reprisals, and/or adverse actions related to employment.

3. **Complaints.** Information regarding applicable policies and procedures for resolving complaints of discrimination and harassment and for pursuing available remedies is available at the [HR Web site](#).

## E. Roles and Responsibilities

Role	Responsibility
Chief Human Resources and Diversity Officer (CHRO)	Has the functional responsibility for this policy
Employees	Have the responsibility to adhere to the provisions of this policy
Human Resources Department	Has the responsibility to advise management and employees on how to comply with this policy and investigate claims of discrimination
Managers and Supervisors	Have the responsibility to adhere to the provisions of this policy

Roles, responsibilities, authority, and accountability are documented in [applicable procedures](#).

## F. Definitions/Acronyms

Term	Definition
CBA	Collective bargaining agreement
CHRO	Chief Human Resources and Diversity Officer
Gender	The sex of a person and includes a person's gender identity and "gender expression"
Gender Expression	A person's gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth
Executive Officer	The University President or the Chancellor or the Laboratory Director
Pregnancy	Includes pregnancy, childbirth, and medical conditions related to pregnancy and childbirth
Service in the Uniformed Services	Includes "service in the uniformed services" as defined by the Uniformed Services Employment and Re-employment Rights Act of 1994 (USERRA), as well as state, military, and naval service

## G. Recordkeeping Requirements

The Human Resources Department is responsible for maintaining all employee records.

## H. Implementing Documents

Audience	Document Number	Document Title
All	02.02.001.003	<a href="#">Workforce Diversity Office (WFDO) Web Site</a>

All	02.02.001.004	<a href="#">Equal Employment Opportunity (EEO) Office Web Site</a>
All	02.02.001.005	<a href="#">Affirmative Action Program</a>
Lab Staff	02.02.001.006	<a href="#">Affirmative Action Plan</a>
All	02.02.001.007	<a href="#">Affirmative Action Plan for Covered Veterans and Persons with Disabilities</a>
Lab Staff	02.02.001.001	Managers and Supervisors Responsibilities under the Nondiscrimination Policy
HR Staff	02.02.001.002	Understanding the Nondiscrimination and Harassment Policies

## I. Contact Information

For more information, contact the [Diversity and Inclusion Manager, Title VII and Title IX Officer](#) or your division's Human Resources Center.

Do you have feedback regarding this policy? Contact the HR Policies Analyst, HR Department, [hrpolicies@lbl.gov](mailto:hrpolicies@lbl.gov)

## J. Revision History

Date	Revision	By whom	Revision Description	Section(s) affected	Change Type
1/2/2012	0	M. Bello	Rewrite for wiki	All	Minor
10/30/2012	1	M. Bello	Reformatted for Wiki. And effective 07.01.2012, UCOP made technical changes to PPSM 12 – Nondiscrimination in Employment. Besides clarifying the policy, UCOP made the following changes: <ul style="list-style-type: none"> <li>Added "gender" and "gender expression" as protected categories per CA Assembly Bill 887 (1/1/2012)</li> <li>Revised the definition of "service in the uniformed services" to reflect current statutory language.</li> </ul>	All	Minor

## Document Information

### DOCUMENT INFORMATION

Title:	Nondiscrimination Policy
Document number	02.02.001.000
Revision number	1
Publication date:	10/30/2012
Effective date:	10/30/2012
Next review date:	10/30/2015
Policy Area:	Work Environment
RPM Section (home)	Human Resources
RPM Section (cross-reference)	Section 2.01(B)(1)
Functional Division	Human Resources

## Source Requirements Documents

Source	Document number & Effective Date	Document Title
California		<a href="#">Fair Employment and Housing Act (FEHA)</a>
California		Military and Veterans Code Section 394 (prohibits discrimination against a military member)
California	AB 887, January 1, 2012	Assembly Bill 887 (added "gender" and "gender expression" as protected categories)
Department of Energy (DOE)	DOE Contract 31, Clause I.23	FAR 52.222-21 PROHIBITION OF SEGREGATED FACILITIES (FEB 1999)
Department of Energy (DOE)	DOE Contract 31, Clause I.24	FAR 52.222-26 EQUAL OPPORTUNITY (MAR 2007)
Federal		Age Discrimination in Employment Act (ADEA) of 1967
Federal		Americans With Disabilities Act of 1990
Federal		Bankruptcy Act
Federal		Civil Rights Act of 1991
Federal		Equal Pay Act of 1963
Federal	1965	Federal Executive Order 11246 (1965)
Federal	1967	Federal Executive Order 11375 (1967)
Federal	1969	Federal Executive Order 11478 (1969)
Federal	1970	Fair Credit Reporting Act (FCRA)
Federal		Genetic Information Nondiscrimination Act (GINA)
Federal	2009	Lilly Ledbetter Fair Pay Act of 2009
Federal	1978	Pregnancy Discrimination Act of 1978
Federal	1973	Rehabilitation Act of 1973
Federal	1973	Section 504 of the Rehabilitation Act of 1973
Federal		The Vietnam Era Veterans' Readjustment Assistance Act
Federal	1972	Title IX of the Education Act Amendments of 1972
Federal	1964	Title VII of the Civil Rights Act of 1964
Federal	1971	Vocational Rehabilitation Act (1971)

Federal	2005	Uniformed Services Employment and Re-employment Rights Act of 1994 (USERRA)
UCOP	PPSM 12, July 1, 2012	<a href="#">Nondiscrimination in Employment</a>
UCOP	Regents Policy 4402	<a href="#">Policy on Nondiscrimination on Basis of Sexual Orientation</a>
UCOP	Office of the President, March 31, 2012	UC Nondiscrimination and Affirmative Action Policy regarding Academic and Staff Employment

## Implementing Documents

Audience	Document Number	Document Title
All	02.02.001.003	<a href="#">Workforce Diversity Office (WFDO) Web Site</a>
All	02.02.001.004	<a href="#">Equal Employment Opportunity (EEO) Office Web Site</a>
All	02.02.001.005	<a href="#">Affirmative Action Program</a>
Lab Staff	02.02.001.006	<a href="#">Affirmative Action Plan</a>
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